

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In re:	§	
	§	
JAMES L. JACOBS	§	Case No. 16-10823-tmd
	§	
Debtor.	§	

MOTION FOR EXTENSION OF TIME TO FILE ADVERSARY PLEADINGS

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW AUSTIN POETS INTERNATIONAL, INC. (“Movant” or “API”) in the above-styled cause of action and files its Motion for Extension of Time to File Adversary Pleadings (the “Motion”) and in support thereof would respectfully show the Court as follows:

I. JURISDICTION

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G).

II. PARTY IN INTEREST

2. Movant is the Plaintiff in a lawsuit pending against the Debtor James Jacobs (“Debtor”) in Cause No. D-1-GN-15-003081, in the District Court of Travis County, Texas, 98th Judicial District (the “Lawsuit”), and should be a party in interest in this proceeding. A copy of the live petition in the Lawsuit (the “Petition”) is attached to this Motion as Exhibit 1.

III. BASIS OF MOTION

3. Concurrently with this Motion, API has filed a Motion for Relief from Automatic Stay in the above-styled bankruptcy proceeding. That Motion requests relief from this Court so

that the Lawsuit may proceed to trial, as it was scheduled to do on July 18, 2016, three days before this bankruptcy proceeding was filed.

4. The Form 309A filed by Debtor in this proceeding sets the deadline for adversary proceedings as October 11, 2016. The original meeting of creditors was set to occur on August 12, 2016, but was postponed until September 9, 2016 because of last-minute filings by Debtor.

5. If the Court denies API's request for relief from the automatic stay, API wishes to preserve its ability to file an adversary proceeding in the pending bankruptcy so that the claims asserted in the Lawsuit may be determined on the merits by this Court, if not the Travis County District Court.

6. Accordingly, API requests that this Court extend that deadline for 30 days or until such time as the Court can consider and rule on API's Motion for Relief from Automatic Stay so that its ability to file an adversary proceeding if necessary is preserved.

WHEREFORE, PREMISES CONSIDERED, API respectfully seeks an extension of the deadline for filing an adversary proceeding for 30 days, to November 10, 2016, or until such time as the Court may determine and rule on API's motion for relief from the automatic stay, and for any and all other such relief to which API may have shown itself to be justly entitled.

Dated: October 7, 2016.

Respectfully submitted,

By: /s/ Eleanor Ruffner

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ATTORNEYS FOR PARTY IN INTEREST
AUSTIN POETS INTERNATIONAL, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of October, 2016, a true and correct copy of the foregoing document was served via the Court's CM/ECF notification system, facsimile transmission, e-mail transmission, and/or regular first class mail, on the following counsel of record:

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/s/ Eleanor Ruffner

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